

## **Chapter 19.49 GATEWAY OVERLAY DISTRICT**

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### **19.49.010 Purpose.**

This chapter sets forth standards for development, redevelopment, and changes in land use along streets designated as Gateway Overlay Districts on the city's zoning map, to promote design compatibility for all permitted and conditional uses in the underlying districts. Unless otherwise provided, the overlay development standards in this chapter are in addition to the standards applicable to the underlying districts provided elsewhere in this title.

### **19.49.020 Architectural Review Commission**

A. Creation, Membership, and Qualifications. There is created and established for the city an architectural review commission (the "ARC"). The ARC will be responsible to review and make recommendations on all development, commercial or residential, taking place in the Gateway Overlay District. The ARC will be composed of not less than five regular members and two at-large alternate members appointed by the manager with advice and consent of the city council.

#### **B. ARC Guidelines.**

1. Whenever possible, the ARC shall include persons from each of the

following categories having a demonstrated interest in the development of the city's gateway areas, with a maximum of two from each category:

- (a) Licensed architect;
- (b) Landscape architect, professional planner or urban designer;
- (c) Historian or person with expertise in historic preservation;
- (d) Developer, contractor or realtor; and
- (e) Property owner or non-owner tenant within the Gateway Overlay District.

2. Individual members of the ARC may meet one or more of the categories above. Citizens at large with an interest in historic preservation or urban design may be appointed to the ARC to fill any remaining appointments.

3. Each member appointed to the ARC shall serve for a term of two years. Members may be appointed to consecutive terms. Appointments shall be consistent with adopted ARC bylaws approved by the city council.

#### **C. Organization**

1. The members of the ARC shall elect a chair and vice-chair.

2. A majority of members of the ARC shall constitute a quorum.

3. Any of the at-large alternate members shall be eligible to serve on the ARC in the absence of one of the regular members.

4. The ARC shall meet at least once each month, unless there is no new business scheduled.

5. Annual training shall be mandatory for all members of the ARC. Such training may include special orientation and training sessions for those who participate in design review.

#### **D. Powers and Duties**

The ARC shall:

1. Make recommendations to the planning commission and city council on the designation of Gateway Overlay Districts;

2. To act and assist the planning commission in formulating design guidelines and other supplemental materials relevant to architectural preservation or design review;

3. To approve or disapprove certificates of design compliance (described below);

4. To render advice and guidance, upon request of the property owner or occupant, on new construction or the restoration, alteration or maintenance of any building within the Gateway Overlay District; and

5. To perform any other functions requested by the city council.

E. Delegation of Authority.

1. The ARC may delegate review of minor projects (as defined by majority vote of the ARC) to either:

(a) A subcommittee of the ARC composed of at least three members; or

(b) City staff as designated by the manager.

6. Any permit issued pursuant to such delegation of authority shall require the signature of the chair or vice-chair of the ARC and any denial may be appealed to the full ARC.

F. Meetings.

Meetings of the ARC shall comply with applicable open meetings laws.

G. Planning commission.

The planning commission will act as the ARC when, and if, an ARC has not been appointed or is inactive.

#### **19.49.060 Gateway Overlay District**

A. Purpose.

Designation of Gateway Overlay Districts is intended to provide for the

protection of the aesthetic and visual character of the affected areas. The city council may from time to time upon recommendation by the planning commission adopt specific design guidelines for each Gateway Overlay District. All development, except for ordinary maintenance and repair within the Gateway Overlay District must be approved by the ARC in accordance with the adopted design guidelines. As part of that approval process, the ARC shall review the location, character, and appearance of proposed development, renovation or redevelopment activity. The purpose of such review is to determine, in a cooperative fashion with the applicant, whether a proposed plan meets the guidelines and other standards of the Gateway Overlay District.

B. Delineation of District.

Each Gateway Overlay District shall include all the land within the boundary of such district shown on the city's zoning map from time to time. Any lot or parcel of land located at least partially within a Gateway Overlay District shall follow the requirements of this chapter for the entire lot or parcel.

C. Certificate of Design Compliance.

A certificate of design compliance issued by the ARC shall be required before proceeding with any new development or changes to existing development in a Gateway Overlay District. No alteration of the existing condition of land, structures, signs, landscaping or lighting, including, without limitation, demolition of any structure, application of new exterior siding material, creation of a new window or dormer, creation of a driveway or parking facility, construction of a deck, fence or garage, or enclosure of a porch shall be permitted within the

Gateway Overlay District except as provided in this chapter.

D. General Review Criteria. The ARC must determine that the following general review criteria are met before issuing a certificate of design compliance for a project:

1. The proposed work must comply with the applicable design guidelines for that overlay district;

2. The integrity of an individual historic structure is preserved, if applicable;

3. The design of new buildings or additions must be compatible with surrounding gateway properties; and,

4. The overall character of the Gateway Overlay District is protected.

E. Conflict with Existing Provisions.

Where this chapter provides standards, guidelines or criteria that are different from the requirements of the underlying zoning district or other ordinances, the more restrictive provision shall apply.

F. Use Regulations.

Subject to review by the ARC for design compliance, all uses permitted or conditionally permitted in the underlying districts shall continue to be permitted or conditionally permitted, respectively, in the overlay district.

G. Development Regulations.

The development regulations of the underlying district shall apply, except where such regulations are in conflict with the adopted design guidelines for that overlay district. The following development regulations, however, control any contrary requirements of the underlying zone:

1. Height: In no case shall structure height exceed 45 feet in the Gateway Overlay District.

2. Setbacks: Building setbacks adjacent to public rights-of-way in the Gateway Overlay District shall be reviewed on a case-by-case basis in accordance with the adopted design guidelines, otherwise, underlying zoning regulations shall apply.

3. Parking: Except as approved by the ARC, the parking standards of Section 19.80, "Off-Street Parking Requirements," shall apply in the Gateway Overlay District.

4. Signs: The sign standards shall be those contained within the applicable design guidelines for that overlay district approved by the city council. If no sign standards exist, the standards in the chapter 19.82, "Signs," shall apply, and may be reasonably modified by the planning commission to more accurately reflect the express language or the intent of the applicable design guidelines in regard to signage.

#### **19.49.080 Certificate of design compliance.**

A. Certificate Required.

1. It is unlawful for any person or entity to make any external alternations or external repairs of any substantial nature (such as color changes and sign erection) in any manner whatsoever to any area, site, building or structure within a Gateway Overlay District, without first obtaining a certificate of design compliance from the ARC as provided in this chapter.

2. Ordinary maintenance and repair shall be exempt from the requirement of a certificate of design compliance. The director shall be responsible for determining whether or not particular work on a project constitutes ordinary maintenance and repair. Projects determined by the director to be ordinary

maintenance shall be reported periodically to the ARC.

**B. Application Process.**

Before commencing any work within the Gateway Overlay District, an application for a certificate of design compliance shall be filed with the department by the owner of the subject property, or his designated agent, on the city's official form which shall contain at least the following information:

1. Name of applicant and property owner;
2. Mailing address of applicant and permanent address of property owner;
3. Location of subject property;
4. A detailed description of the nature of the proposed construction, external alterations or repairs to be made;
5. The intended and desired starting date and completion date of the construction, alterations or repairs to be made;
6. A drawing or sketch of the proposed external alteration, if applicable.
7. A written statement describing how the proposed construction, external alteration or repair meets the intent of the applicable design guidelines.
8. The department and the ARC have authority to require submission of product samples and other specific technical information pertinent to design review decisions.

**C. Completeness Determination.**

Upon receipt of an application for a certificate of design compliance, the department shall determine the completeness of the application.

**D. Incomplete or Non-Compliant Applications.**

Incomplete applications, or applications not in compliance with city building codes, design guidelines, restrictions and ordinances, shall be

returned to the applicant for completion and compliance.

**E. Relationship to Other Development Approvals.**

Whenever other city regulations require the approval of a detailed development plan or other approval, including platting and building permit approval, such approval shall be completed prior to, or concurrently with, review of the project for design compliance under this chapter.

**F. Notice of Application.**

If required by the city, notice of application for a certificate of design compliance shall be posted at the project site such that it is visible from the public right-of-way, including contact information and the date of any public meeting concerning such application.

**G. Consideration of Application by ARC.**

1. Upon receipt of a completed, compliant application by the department, the item shall be placed on the agenda of the next meeting of the ARC. At that meeting, the ARC shall investigate, review (under the criteria of this chapter) and approve or deny the application by majority vote.

2. If an application is approved by the ARC with conditions, the department shall issue a final approval when all conditions of approval are met. A building permit may follow the final approval, or as outlined in the final approval letter from the department.

3. If an application is denied, a written report of the reasons for denial shall be returned promptly to the applicant.

**H. Appeal of Disapproval.**

Any applicant whose application is rejected or denied may appeal such decision to the planning commission.

**I. Limits on Resubmission.**

No application for the same project shall be considered or re-considered within 180 days after the ARC's rejection or denial of an application for that project. Notwithstanding the foregoing, however, an applicant may at any time submit a design for an entirely new project or a revised design that substantially responds to the reasons for ARC's prior denial.

**19.49.090 Alternative parking plans.**

**A. General.**

Within any Gateway Overlay District, the ARC may approve alternatives to providing the number of off-street parking spaces required by this section.

**B. Procedure.**

Alternative parking plans shall be reviewed and approved by the ARC.

**C. Recording of Approved Plans.**

If an alternative parking plan requires use of property other than the subject property, an attested copy of an approved alternative parking plan must be recorded with the Salt Lake County Recorder on forms made available by the department. An alternative parking plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recording prior to approval of the certificate of occupancy for the project.

**D. On-Street Parking.**

The ARC may approve use of on-street parking spaces to satisfy the requirements for off-street parking. Such on-street parking shall be located on public right-of-way immediately abutting the subject property and shall be reviewed and approved by the city engineer for compliance with city's standards for use of rights-of-way.

**E. Off-Site Parking.**

The ARC may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards.

1. **Ineligible Activities.** Off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

2. **Location.** No off-site parking space may be located more than 600 feet from the primary entrance of the use served (measured along the shortest legal pedestrian route) unless remote parking shuttle service is provided.

**F. Shared Parking.**

The ARC may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with the all of following standards.

1. **Location.** Shared parking spaces must be located within 600 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided.

2. **Shared Parking Study.** Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the city that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the city and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking

and traffic loads for all uses that will be sharing off-street parking spaces.

3. Agreement for Shared Parking. A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the city for recording in a form established by the city attorney. Recording of the agreement with the Salt Lake County Recorder must take place before issuance of a building permit for any use to be served by the off-site parking area. A shared parking agreement may be terminated only if all required off-street parking spaces will be provided.

G. Fee-In Lieu of Parking.

The ARC may approve the acceptance of a fee-in-lieu of required parking in extreme cases where none of the alternatives above, alone or in combination, provide for the requisite number of spaces. Such fee shall be based on the cost of land acquisition, construction (including landscaping and lighting) and the estimated cost of maintenance for a period of ten years. Such fee shall be placed in a dedicated fund to provide parking solutions in the affected portion of the Gateway Overlay District, or other affected project area where the project is not within the Gateway Overlay District.

H. Other Eligible Alternatives.

The ARC may approve any other alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the city that the proposed plan will function equally well in protecting surrounding Neighborhoods, maintaining traffic circulation patterns and promoting quality urban design than would strict

compliance with otherwise applicable off-street parking standards.